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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re:

Chapter 11

MEZZ57TH LLC et al.

Case No.: 20-11316

Debtors and
Debtors in Possession

(Jointly Administered)

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**OBJECTION TO LANDLORD’S MOTION FOR ENTRY OF AN ORDER
(A) COMPELLING SURRENDER OF NON-RESIDENTIAL REAL
PROPERTY AND (B) AUTHORIZING LANDLORD TO TAKE RELATED
ACTIONS TO REPOSSESS NON-RESIDENTIAL REAL PROPERTY**

Mezz57th LLC, debtor and debtor in possession (“Operating Debtor”), by its attorneys Ballon Stoll Bader & Nadler, P.C., as and for its Objection to Cross-Motion of MIP 57th Development Acquisition LLC (“Landlord”) for Entry of an Order (A) Compelling Surrender of Non-residential Real Property and (b) Authorizing Landlord to Take Related Actions To Repossess Non-Residential Real Property (the “Motion to Compel Surrender”), and respectfully states as follows:

Objection

1. On October 7, 2020, the Operating Debtor filed that certain Motion for Entry of an Order Extending the Time to Assume or Reject Unexpired Lease of Nonresidential Real Property under section 365(d)(4) of title 11 of the United States Code (the “Bankruptcy Code”) (the “365

Extension Motion”). Under the 365 Extension Motion, the Operating Debtor sought an extension of time to assume or reject its lease to November 25, 2020.

2. The Landlord filed the Motion to Compel Surrender on October 13, 2020.

3. For the reasons set forth in the 365 Extension Motion, the Operating Debtor objects to the Motion to Compel Surrender.

4. In the meantime, the Operating Debtor is still operating, and the parties are in discussions concerning the underlying lease. The Operating Debtor is hopeful that these discussions will lead to a mutually beneficial resolution.

WHEREFORE, Operating Debtor respectfully requests entry of an order denying the Motion to Compel Surrender, and granting such other and further relief as is just and proper under the circumstances.

Dated: New York, New York
October 20, 2020

Respectfully submitted,

BALLON STOLL BADER & NADLER, P.C.

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